

**THIRTY-SEVENTH LEGISLATIVE DAY
TUESDAY, FEBRUARY 15, 2005**

House of Representatives

The House convened at 11 a.m., the Speaker in the Chair.

Roll call showed 69 members present.
Absent and excused -- Bell. Total -- 1.
Total -- 70.

Prayer was offered by Representative Jones.

The Pledge of Allegiance was led by Sara Dexter, Page.

Approval of Journal

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Thirty-sixth Legislative Day and recommend that same be adopted as corrected.

FIELD(18), Chairman

Mrs. Field(18) moved that the report be adopted. Seconded by Mrs. Boe. Report adopted.

**Consideration of Messages from the
Governor and the Senate**

February 14, 2005

Mr. Speaker:

I return herewith enrolled **H 2** which has been signed by the President.

WOOD, Secretary

Enrolled **H 2** was referred to the Judiciary, Rules, and Administration Committee for delivery to the Governor.

February 14, 2005

Mr. Speaker:

I transmit herewith **S 1053, S 1069, S 1070, S 1072, and S 1073** which have passed the Senate.

WOOD, Secretary

S 1053, S 1069, S 1070, S 1072, and S 1073 were filed for first reading.

February 14, 2005

Mr. Speaker:

I return herewith **H 25, H 21, H 27, and H 28** which have passed the Senate.

WOOD, Secretary

H 25, H 21, H 27, and H 28 were referred to the Judiciary, Rules, and Administration Committee for enrolling.

Report of Standing Committees

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION report that we have printed **HCR 13, HCR 14, HCR 15, H 197, H 198, H 199, H 200, H 201, H 202, H 203, H 204, H 205, H 206, H 207, H 208, H 209, H 210, H 211, H 212, H 213, H 214, H 215, and H 216.**

FIELD(18), Chairman

HCR 15 was referred to the Health and Welfare Committee.

H 197, H 199, and H 200 were referred to the Business Committee.

H 198 was referred to the Local Government Committee.

H 201, H 212, H 213, and H 214 were referred to the State Affairs Committee.

H 202, H 203, H 204, H 205, H 206, H 207, H 208, H 209, H 210, and H 211 were referred to the Judiciary, Rules, and Administration Committee.

H 215 and H 216 were referred to the Revenue and Taxation Committee.

HCR 13 and HCR 14 were filed for second reading.

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have enrolled **H 10 and H 14.**

FIELD(18), Chairman

The Speaker announced he was about to sign enrolled **H 10 and H 14**, and, when so signed, ordered them transmitted to the Senate for the signature of the President.

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have transmitted enrolled **H 12, H 13, H 15, and H 3** to the Governor at 11:44 a.m., as of this date, February 14, 2005.

FIELD(18), Chairman

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON LOCAL GOVERNMENT, report that we have had under consideration **H 103** and recommend that it do pass.

BARRETT, Chairman

H 103 was filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration **H 34, H 36, H 37, and H 38** and recommend that they do pass.

JONES, Chairman

H 34, H 36, H 37, and H 38 were filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON TRANSPORTATION AND DEFENSE, report that we have had under consideration **H 56, HCR 11, H 144, H 102, and H 146** and recommend that they do pass.

WOOD, Chairman

H 56, HCR 11, H 144, H 102, and H 146 were filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON HEALTH AND WELFARE, report that we have had under consideration **H 50, H 45, H 42, and H 43** and recommend that they do pass.

BLOCK, Chairman

H 50, H 45, H 42, and H 43 were filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **H 143** and recommend that it do pass.

RAYBOULD, Chairman

H 143 was filed for second reading.

February 14, 2005

Mr. Speaker:

We, your COMMITTEE ON ENVIRONMENT, ENERGY, AND TECHNOLOGY, report that we have had under consideration **H 145** and report it back with amendments attached to be placed on General Orders for consideration.

RAYBOULD, Chairman

H 145 was placed on General Orders for consideration.

February 15, 2005

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration **H 126** and recommend that it do pass.

CROW, Chairman

H 126 was filed for second reading.

There being no objection, the House advanced to the Eighth Order of Business.

Introduction, First Reading, and Reference

of Bills and Joint Resolutions

HOUSE BILL NO. 217 BY EDUCATION COMMITTEE

AN ACT

RELATING TO SUPPORT PROGRAMS FOR EMPLOYEES OF SCHOOL DISTRICTS; AMENDING SECTION 33-514, IDAHO CODE, TO DELETE THE REQUIREMENT THAT SCHOOL DISTRICTS PROVIDE SUPPORT PROGRAMS FOR CERTIFICATED EMPLOYEES DURING THEIR FIRST THREE YEARS WITH THE DISTRICT.

HOUSE BILL NO. 218 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC RECORDS; AMENDING SECTION 9-338, IDAHO CODE, TO PROVIDE THAT STATISTICAL INFORMATION DESCRIPTIVE OF AN IDENTIFIABLE PERSON MAY BE DISCLOSED UNLESS PROHIBITED BY LAW, TO AUTHORIZE A PUBLIC AGENCY OR INDEPENDENT PUBLIC BODY CORPORATE AND POLITIC TO PROVIDE A COPY OF A PUBLIC RECORD IN ELECTRONIC FORM IF THE RECORD IS AVAILABLE IN ELECTRONIC FORM OR CAN BE CONVERTED TO AN ELECTRONIC FORMAT USING STANDARD MARKETPLACE SOFTWARE AND AN ELECTRONIC COPY IS SPECIFICALLY REQUESTED, AND TO PROVIDE THAT A REQUEST FOR AND DELIVERY OF A PUBLIC RECORD MAY BE CONDUCTED BY ELECTRONIC MAIL AND TO MAKE A TECHNICAL CORRECTION.

HOUSE BILL NO. 219 BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO NAMES OF FORMALLY ORGANIZED BUSINESS ENTITIES AND ASSUMED BUSINESS NAMES; AMENDING SECTION 30-1-401, IDAHO CODE, TO PROHIBIT CORPORATE NAMES FROM FALSELY IMPLYING GOVERNMENT AFFILIATION; AMENDING SECTION 30-3-27, IDAHO CODE, TO PROHIBIT NONPROFIT CORPORATE NAMES FROM FALSELY IMPLYING GOVERNMENT AFFILIATION AND TO MAKE TECHNICAL CORRECTIONS; AMENDING SECTION 53-202, IDAHO CODE, TO PROHIBIT LIMITED PARTNERSHIP NAMES FROM FALSELY IMPLYING GOVERNMENT AFFILIATION AND TO MAKE A TECHNICAL CORRECTION; AMENDING SECTION 53-503, IDAHO CODE, TO PROHIBIT ASSUMED BUSINESS NAMES FROM FALSELY IMPLYING GOVERNMENT AFFILIATION AND TO MAKE A TECHNICAL CORRECTION; AND AMENDING SECTION 53-602, IDAHO CODE, TO PROHIBIT LIMITED LIABILITY COMPANY NAMES FROM FALSELY IMPLYING OR STATING A GOVERNMENT AFFILIATION AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 220

BY STATE AFFAIRS COMMITTEE**AN ACT**

RELATING TO REGISTRATION OF TRADEMARKS; AMENDING SECTION 48-506, IDAHO CODE, TO CLARIFY THAT TRADEMARK RENEWAL APPLICATIONS MAY INCLUDE A FEE FOR EACH CLASS CODE AND TO MAKE TECHNICAL CORRECTIONS.

HOUSE BILL NO. 221**BY STATE AFFAIRS COMMITTEE****AN ACT**

RELATING TO ANNUAL REPORTS FILED WITH THE SECRETARY OF STATE BY FORMALLY ORGANIZED BUSINESS ENTITIES; AMENDING SECTION 30-1-1622, IDAHO CODE, TO PERMIT BUSINESS CORPORATIONS TO FILE ANNUAL REPORTS ELECTRONICALLY; AMENDING SECTION 30-3-136, IDAHO CODE, TO PERMIT NONPROFIT CORPORATIONS TO FILE ANNUAL REPORTS ELECTRONICALLY; AMENDING SECTION 53-613, IDAHO CODE, TO PERMIT LIMITED LIABILITY COMPANIES TO FILE ANNUAL REPORTS ELECTRONICALLY; AND AMENDING SECTION 53-3-1003, IDAHO CODE, TO SPECIFY INFORMATION REQUIRED IN THE ANNUAL REPORT, TO PROVIDE THE TIME FOR FILING AND TO PERMIT LIMITED LIABILITY PARTNERSHIPS TO FILE ANNUAL REPORTS ELECTRONICALLY.

H 217, H 218, H 219, H 220, and H 221 were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

S 1053, S 1069, S 1070, S 1072, and S 1073, by Judiciary and Rules Committee, were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee.

There being no objection, the House advanced to the Tenth Order of Business.

Second Reading of Bills and Joint Resolutions

HP 1, by State Affairs Committee, was read the second time by title and filed for third reading.

H 170, by Agricultural Affairs Committee, was read the second time by title and filed for third reading.

Third Reading of Bills and Joint Resolutions

H 106 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Eskridge to open debate.

The question being, "Shall **H 106** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Collins, Deal, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, Miller, Mitchell, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 62.

NAYS -- Barrett, Clark, Crow, Denney, McKague, Moyle. Total -- 6.

Absent and excused -- Bell, Jones. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **H 106** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

S 1003 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mrs. Field(23) to open debate.

The question being, "Shall **S 1003** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Field(23), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 68.

NAYS -- None.

Absent and excused -- Bell, Jones. Total -- 2.

Total -- 70.

Whereupon the Speaker declared **S 1003** passed the House. Title was approved and the bill was ordered returned to the Senate.

H 23 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Wills to open debate.

The question being, "Shall **H 23** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bilbao, Block, Boe, Bolz, Bradford, Cannon,

Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smylie, Snodgrass, Stevenson, Trail, Wills. Total -- 60.

NAYS -- Bedke, Harwood, Rydalch, Smith(24), Wood, Mr. Speaker. Total -- 6.

Absent and excused -- Bell, Black, Field(23), Jones. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 23** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

SCR 105 was read the third time at length and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Lake to open debate.

The question being, "Shall **SCR 105** be adopted?"

Whereupon the Speaker declared **SCR 105** adopted by voice vote and ordered the resolution returned to the Senate.

H 132 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **H 132** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pence, Raybould, Ring, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 63.

NAYS -- LeFavour, Pasley-Stuart, Ringo. Total -- 3.

Absent and excused -- Bell, Black, Field(23), Jones. Total -- 4.

Total -- 70.

Whereupon the Speaker declared **H 132** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

H 133 was read the third time at length, section by section, and placed before the House for final consideration.

At this time, the Speaker recognized Mr. Moyle to open debate.

The question being, "Shall **H 133** pass?"

Roll call resulted as follows:

AYES -- Anderson, Andrus, Barraclough, Barrett, Bastian, Bayer, Bedke, Bilbao, Black, Block, Boe, Bolz, Bradford, Cannon, Chadderdon, Clark, Collins, Crow, Deal, Denney, Edmunson, Ellsworth, Eskridge, Field(18), Garrett, Hart, Harwood, Henbest, Henderson, Jaquet, Kemp, Lake, LeFavour, Loertscher, Martinez, Mathews, McGeachin, McKague, Miller, Mitchell, Moyle, Nielsen, Nonini, Pasley-Stuart, Pence, Raybould, Ring, Ringo, Roberts, Rusche, Rydalch, Sali, Sayler, Schaefer, Shepherd(2), Shepherd(8), Shirley, Skippen, Smith(30), Smith(24), Smylie, Snodgrass, Stevenson, Trail, Wills, Wood, Mr. Speaker. Total -- 67.

NAYS -- None.

Absent and excused -- Bell, Field(23), Jones. Total -- 3.

Total -- 70.

Whereupon the Speaker declared **H 133** passed the House. Title was approved and the bill was ordered transmitted to the Senate.

Mr. Denney asked unanimous consent that the remaining bills on the Third Reading Calendar retain their places for one Legislative Day. There being no objection, it was so ordered.

There being no objection, the House advanced to the Sixteenth Order of Business.

Adjournment

Mr. Denney moved that the House adjourn until 11 a.m., Wednesday, February 16, 2005. Seconded by Ms. Jaquet. Motion carried.

Whereupon the Speaker declared the House adjourned at 12:05 p.m.

BRUCE NEWCOMB, Speaker

ATTEST:

PAMM JUKER, Chief Clerk